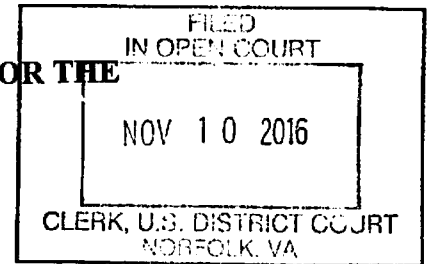


**IN THE UNITED STATES DISTRICT COURT FOR THE
EASTERN DISTRICT OF VIRGINIA**

Norfolk Division



UNITED STATES OF AMERICA

v.

DAVID ALEJANDRO BARRAGAN-TORRES

Criminal No. 2:16cr117-1

STATEMENT OF FACTS

This statement of facts is submitted in support of the guilty plea to Count One of the Indictment. Count One charges the defendant with conspiracy to distribute and possess with intent to distribute five (5) kilograms or more of cocaine, a Schedule II narcotic controlled substance, in violation of Title 21, United States Code, Sections 846, 841(a)(1) and (b)(1)(A). This statement of facts contains information necessary to support the guilty plea. It is not intended to include each and every fact in the case. If the matter had gone to trial, the United States would have proven Count One of the Indictment by proof beyond a reasonable doubt of the facts set forth below.

From on or about May 24, 2016 and continuing thereafter until on or about June 2, 2016, in the Eastern District of Virginia (EDVA) and elsewhere, the defendants, DAVID ALEJANDRO BARRAGAN-TORRES, a/k/a "Pollo," and Jose Luis Gil-Villegas, combined, conspired, confederated and agreed together and with other persons to distribute and possess with intent to distribute cocaine, a Schedule II narcotic controlled substance.

In May of 2016, law enforcement officers with the Department of Homeland Security (DHS), Homeland Security Investigations in Norfolk, Virginia (HSI-Norfolk) received information that the defendant, DAVID ALEJANDRO BARRAGAN-TORRES, a/k/a "Pollo," (TORRES) and R.J. would be traveling from Texas to the Eastern District of Virginia to coordinate a delivery of

DMG
[Signature]
DABT

narcotics. On May 24, 2016, HSI-Norfolk learned that TORRES and R.J. were scheduled to travel on that date from El Paso, Texas to Norfolk, Virginia aboard the same commercial airline flights. HSI-Norfolk subsequently learned that both TORRES and R.J. had checked in for their flights to Norfolk at the El Paso Airport. Finally, HSI-Norfolk learned that TORRES had boarded the flight¹ from El Paso and that TORRES' connecting flight was scheduled to land at the Norfolk International Airport at approximately 9:30 p.m.

On May 24, 2016, at approximately 9:51 p.m., agents with HSI-Norfolk observed TORRES meet with a man later identified as Jose Luis Gil-Villegas (Villegas), inside the terminal at the Norfolk Airport. Shortly thereafter, the agents observed TORRES and Villegas walk out of the terminal together carrying luggage. TORRES and Villegas entered a white Chevrolet Tahoe. The agents followed the white Tahoe to the Military Circle Mall in Norfolk where TORRES and Villegas exited the white Tahoe carrying the luggage. TORRES and Villegas entered another vehicle, a white GMC box truck bearing Virginia registration TX250847, with the luggage. The agents followed TORRES and Villegas in the white GMC box truck to a hotel in the Greenbrier section of Chesapeake where TORRES exited the vehicle, entered the hotel and checked into a room. The agents then followed the white GMC box truck to a residence in Virginia Beach.

On June 2, 2016, a special agent with HSI-El Paso, acting in an undercover capacity, spoke with TORRES by telephone. During their conversation, the undercover agent and TORRES made arrangements concerning the delivery of five kilograms of cocaine. The undercover agent and TORRES agreed to meet outside the Target store at the Pembroke Mall in Virginia Beach. At approximately 2:27 p.m., TORRES and Villegas arrived at the parking lot outside the Target store at Pembroke Mall in the white GMC box truck bearing Virginia registration TX250847 where they

¹ HSI-Norfolk subsequently learned that agents with DHS Customs and Border Protection (CBP) encountered R.J., a citizen of Mexico, at the El Paso Airport and determined that her visa was expired. CBP took R.J. into custody and she was immediately deported to Mexico.

omg
H. J. P.
DABT

parked. Villegas was driving. TORRES exited the truck and approached the undercover agents. TORRES gave the undercover agents \$7,500 in cash and took possession of a bag containing five bricks of cocaine. TORRES returned to the white GMC box truck with the cocaine. At approximately 2:36 p.m., Villegas and TORRES departed the area. Special agents with HSI-Norfolk and other law enforcement officers maintained surveillance on the white GMC box truck.

On June 2, 2016, at approximately 2:52 p.m., Virginia Beach Police (VBPD) conducted a traffic stop of the white GMC box truck on Interstate 264 in Norfolk. The driver, Villegas, consented to a search of the vehicle. The police located the bag containing five bricks of cocaine in the cab of the truck. The five bricks of cocaine were submitted to the DHS CBP laboratory for analysis. The results of the analyses are as follows: Exhibit 1-1, cocaine hydrochloride, approximately 989.7 grams; Exhibit 1-2, cocaine hydrochloride, approximately 988.6 grams; Exhibit 1-3, cocaine hydrochloride, approximately 981.7 grams; Exhibit 1-4, cocaine hydrochloride, approximately 979.3 grams; and Exhibit 1-5, cocaine hydrochloride, approximately 967.1 grams.

The police arrested Villegas and TORRES and transported them to the VBPD detective bureau. At the detective bureau, Special Agent R. Reyes with HSI-El Paso advised TORRES of his *Miranda* rights. TORRES waived his rights and agreed to answer questions. TORRES advised that he was introduced to a man in Guadalajara (Mexico) named F.G. F.G. asked TORRES whether he would be willing to travel to Virginia Beach to collect money from a drug deal and count the money for F.G. F.G. offered to pay TORRES \$5,000. TORRES accepted F.G.'s offer. F.G. instructed TORRES to meet R.J. in El Paso, Texas. On May 24, 2016, TORRES and R.J. went to the El Paso Airport to fly to Virginia Beach. Border Patrol stopped R.J. and detained her because her documents were expired. R.J. was sent back to Mexico. TORRES was instructed to wait at the airport in Norfolk for a man later identified as Villegas. Villegas dropped TORRES off at the hotel. Villegas provided TORRES with \$4,000 for his hotel and living expenses. While

DMB
DABT

TORRES was in Virginia, F.G. instructed TORRES that he would have to take receipt of the cocaine from an unidentified male.

On June 2, 2016, TORRES contacted Villegas and requested \$7,500 to pay the transportation fee for the cocaine. TORRES further asked Villegas to pick him up and take him to the location where TORRES would receive the cocaine. Villegas picked TORRES up and took TORRES to get a haircut and to a store where TORRES purchased two cellular telephones. F.G. instructed TORRES to destroy his cell phone as soon as he received the cocaine. Villegas took TORRES to the parking lot of the Target store at the Pembroke Mall. There, an unidentified man provided TORRES with a shopping bag containing cocaine. TORRES gave the man \$7,500.

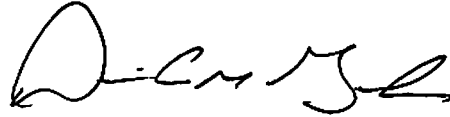
DANA J. BOENTE
UNITED STATES ATTORNEY

By: 

Darryl J. Mitchell
Assistant United States Attorney
Virginia Bar No. 37411
Attorney for the United States
United States Attorney's Office
101 West Main Street, Suite 8000
Norfolk, Virginia 23510
Office Number - 757-441-6331
Facsimile Number - 757-441-6689
E-Mail Address - darryl.mitchell@usdoj.gov

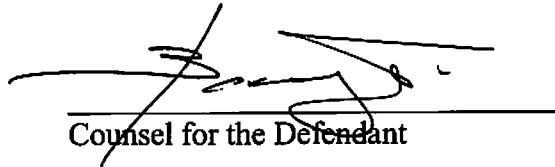
Dmb
[Handwritten signature]
DABT

Defendant's Signature: After consulting with my attorney and pursuant to the plea agreement entered into this day between myself, the United States and my attorney, I hereby stipulate that the above Statement of Facts is true and accurate, and that had the matter proceeded to trial, the United States would have proved the same beyond a reasonable doubt.



Defendant

Defense Counsel's Signature: I am David Alejandro Barragan-Torres' attorney. I have carefully reviewed the above Statement of Facts with him. To my knowledge, his decision to stipulate to these facts is an informed and voluntary one.



Counsel for the Defendant



DABT